

**APPROVED MINUTES  
BROOKFIELD ZONING COMMISSION  
Thursday, November 8, 2012 – 7:00 p.m.  
MEETING ROOM #133 – TOWN HALL, 100 POCONO ROAD**

---

**1. Convene Meeting**

Chairman Blessey convened the meeting at 7:00 p.m. and established a quorum of members.

**Present:** Chairman R. Blessey, L. Miller, Alternate and Voting Members M. Frankel, J. Cordisco and J. Varda

**Absent:** Vice Chairman M. Grimes, Secretary F. Lollie, C. Lynch

**Also Present:** Zoning Enforcement Officer A. Dew, Recording Secretary D. Cioffi

**a. Review Minutes of Previous Meetings: 10/25/12 special – Commissioner Miller moved to approve the Minutes of the Special Meeting on October 25, 2012. Commissioner Varda seconded the motion, and it carried, 4-0-1, with Commissioner Cordisco abstaining.**

**10/25/12 regular – Commissioner Miller moved to approve the Minutes of the Regular Meeting of October 25, 2012. Commissioner Varda seconded the motion. Chairman Blessey requested that the following correction be made: On Page 9, under Item 7.c., New Business, fourth paragraph (the motion), to unbold the following text, as it is part of the discussion, and not part of the actual motion: “Commissioner Lynch inquired regarding the regulation and Commissioner Miller advised that the chemicals are classified as hazardous materials. Chairman Blessey suggested that a plan for fire containment should have been submitted.” Motion carried, 4-0-1, with Commissioner Cordisco abstaining.**

**2. Land Use Enforcement**

**a. Enforcement Officer’s Report:**

*ZEO A. Dew reported on the following:*

**Requests for Voluntary Compliance**

**6 Lillinonah Drive, #201200578** – The property owner is still making progress, and does contact ZEO Dew every two weeks. The two temporary garages are unable to be permitted, so the property owner has to remove their contents prior to removing the garages. Chairman Blessey also inspected the site. ZEO Dew recommended that the property owner be allowed another six weeks to complete the work. She will note on the report that the Commission will give him until January 1, 2013.

**12 Pocono Ridge Road, #201200893** – ZEO Dew advised that this complaint relates to an apartment without an elderly conversion, and a shed without a permit. The property owner has filed an application for a conversion which will appear on the next meeting’s agenda. Additionally, he will be applying for a variance for the shed at the December 3, 2012 meeting of the Zoning Board of Appeals.

**594 Federal Road, #201200948** – ZEO Dew advised that a Cease and Desist was sent today. The complaint involves a sign near the business of Mama’s Cheesebread. The Cease and Desist was sent to the property owner, Mr. Lavelle.

**8 Dinglebrook Road, #201200962** – An RVC for an unpermitted apartment in the house was sent to the property owner, and he/she has until November 27, 2012 to respond.

**Cease and Desist Orders**

**34 Stony Hill Road, #201200874** – The property owner has until November 13, 2012 to schedule a Show Cause Hearing regarding the violation involving two large cabanas on the site.

**51 Junction Road, #201201001** – ZEO Dew noted that this is a new violation for storage containers on the property. Chairman Blessey reviewed the history of storing garbage trucks at the property. The storage was allowed with the condition that the trucks be kept empty, due to the site being in the aquifer. ZEO Dew has photographs of trucks with garbage in them, and a Citation is pending.

**Chairman Blessey moved to issue a Citation for 51 Junction Road, for storage containers.**

**Commissioner Cordisco seconded the motion. ZEO Dew pointed out that the Cease and Desist was**

not sent until 11/06/12 (there is a typographical error on the report listing the date as 10/06/12), and the property owner's receipt of same has not been verified. Commissioner Frankel inquired if there is a more urgent and enforceable need for action at the site due to its location in the aquifer. ZEO Dew will speak with the Town Attorney regarding this matter. **Chairman Blessey withdrew his motion, and Commissioner Cordisco withdrew his second.**

**292 Candlewood Lake Road, #201200999** – This violation involves a large sign on a trailer at Down the Hatch Restaurant. ZEO Dew put pink violation notices on the sign, however, they have been removed. Chairman Blessey believes the property owner will be cooperative in complying.

**189 Candlewood Lake Road, #201200989** – This sign has been removed and the item can be taken off of the report.

**177 Federal Road, #201200822** – Commissioner Cordisco moved to issue a Citation to 177 Federal Road, #201200822. Chairman Blessey seconded the motion, and it carried unanimously. ZEO Dew advised that she handed the Cease and Desist to the manager of the gas station, and he recommended that it be sent to ECB Realty, because “they weren’t cooperating with him”. Chairman Blessey recommended that it be sent to the property owner, Mr. Baptista (ECB Realty).

**Citations**

**14 Valley View Road, #201200777** – ZEO Dew advised that this violation involves a shed too close to the neighboring property. She also noted that this past week, a tree of the neighbor's came down on the house at 14 Valley View Road. Chairman Blessey indicated that the property owner has to apply for a permit for the shed, or remove it; which she is unable to do at this time due to the tree on the house. There was discussion regarding how to proceed at this time, when the property owner is unable to comply due to the tree falling. **Chairman Blessey moved to authorize the Zoning Enforcement Officer to put the Citation for this property in abeyance, until such time as the tree can be removed. Commissioner Varda seconded the motion, and it carried unanimously.**

**51 Junction Road, #201200941** – See discussion above.

**Town Counsel Action**

**533 Federal Road, #2012000122** – Nothing new to report.

**1 High Ridge Road, #201000315** – Nothing new to report.

**54 Ironworks Road, #201100755** – ZEO Dew advised that the individuals that performed the clean up at the property removed all of the material that could be considered blight. Chairman Blessey pointed out that this is currently under the jurisdiction of Town Counsel.

**3. Review Correspondence**

- a. **Minutes of other Boards and Commissions: Inland Wetlands Commission; Zoning Board of Appeals; Planning Commission; Zoning Sub-Committee**
- b. **Legal Briefings for Building Inspectors: October 2012**

No discussion/no motions.

**Commissioner Cordisco moved to go to Agenda Item 6.b., 7 Station Road. Chairman Blessey seconded the motion, and it carried unanimously.**

**6. Old Business:**

- b. **7 Station Road #201200881: Certificate of Zoning Compliance in the Town Center District for “Connecticut Fence and Landscaping” business**

*Mr. A. Singer, 25 Mountainview Dr., Brookfield, CT was present.* He would like to store equipment inside the building and as well as have a few trucks outside. The business will also have an indoor showroom, with sections of fence outside for display. Chairman Blessey advised that the outside display would be acceptable if it kept within the regulations. Additionally, he stated that the three trucks would also be allowed; however, any expansion of that would require a modification.

Chairman Blessey also noted that there is a sign up; however, Mr. Singer must complete the application with ZEO Dew tomorrow.

**Commissioner Miller moved to approve 7 Station Road, #201200881, Certificate of Zoning Compliance in the Town Center District for “Connecticut Fence and Landscaping”.**

**Commissioner Cordisco seconded the motion, and it carried unanimously.**

**Chairman Blessey moved to go to Agenda Item 7.a., 871 Federal Road. Commissioner Miller seconded the motion, and it carried unanimously.**

**7. New Business:**

**a. 871 Federal Road (Riverview) #201001016: Request for Permit Transfer to “Riverview at Brookfield, LLC”**

*M. Lillis, PE, CCA, 40 Old New Milford Rd., was present on behalf of the applicant. He explained that the applicant is requesting a transfer of the permit from, “Riverview, LLC” to “Riverview at Brookfield, LLC”. Mr. Lillis noted that the Inland Wetlands Commission has approved the same transfer.*

**Commissioner Miller moved to approve the Request for a Permit Transfer from “Riverview, LLC” to “Riverview at Brookfield, LLC” under the provision that the same terms and conditions of original permit are in full effect. Commissioner Cordisco seconded the motion. Commissioner Frankel inquired if there was a bond, and was advised that there is an erosion control bond in place. Motion carried unanimously.**

**b.** Report titled “Town of Brookfield, Connecticut 20 Year Sanitary Sewer Flow Projection - prepared by Birdsall Services Group, Inc. dated June 2012: Nelson Malwitz, Chairman of WPCA will be in attendance – *Mr. Malwitz was unable to attend this meeting.*

**c. Proposed Regulation Change #201200975: Section 242-404K(9)(c) – Incentive Housing District, Density Requirements & Section 242-505D(2) – Town Center District, Permitted Uses**

**Chairman Blessey moved to set a Public Hearing for the Proposed Regulation Change, #201200975: Section 242-404K(9)(c) – Incentive Housing District, Density Requirements & Section 242-505D(2) – Town Center District, Permitted Uses for November 29, 2012, at 7:30 p.m. Commissioner Miller seconded the motion, and it carried unanimously.**

**4. Public Hearing 7:30 p.m.**

**a. 857-857A Federal Road (Riverview Luxury Apartments) #201200887: Design Review for three 9,200 sq. ft. Incentive Housing Apartment Development (ph close date 12/13/12)**

1. Incentive Housing Restriction – report handed into Land Use 10/22/12 (*received in “after the fact” packet at the 10/25/12 meeting*)
2. Memo from Ralph Tedesco (Town Engineer) dated 10/24/12 to Zoning Commission Re: 857 & 857A Federal Road – Application #201200887 (*received “after the fact” at 10/25/12 meeting*)
3. “Lighting Plan” prepared by Reflexlighting dated 10/22/12 – page 1 of 1

Chairman Blessey opened the Public Hearing and introduced the Commission members. Commissioner Miller read the legal notice, which was published in the News Times on October 26, 2012 and November 5, 2012. It was noted that the application was received on October 11, 2012. Chairman Blessey then reviewed the policies and procedures that govern public hearings.

Commissioner Miller read the following correspondence: from R. Tedesco, dated October 24, 2012, to the Inland Wetland and Zoning Commissions, indicating that the application posed no negative impacts.

*Attorney P. Scalzo, 2 Stony Hill Rd., Bethel, CT, was present.* He advised that the property consists of two parcels, and a development of proposed 47 two-bedroom and 45 one-bedroom units. The plan was to be before the IWC on October 29, 2012; however, its meeting was cancelled due to Hurricane Sandy.

*M. Lillis, PE, CCA, was present.* He pointed out the location of the property, and discussed the acreage and the surrounding properties. He noted that the 92 incentive housing units will be divided between three buildings and will take up 9,200 square feet in footprint. Mr. Lillis also went over the access points, traffic circulation and parking spaces (166). Additionally, sidewalks are being proposed. Mr. Lillis then reviewed the topography, noting the sloping in the rear of the property to the Still River. He also summarized the drainage and detention systems. Mr. Lillis advised that the water service will be via the Aquarian Water Company, and sewer will be provided by the Town system. Lastly, he noted the refuse areas and stated that the buildings are proposed to be sprinklered.

*M. Galante, Traffic Engineer, Frederick Clark Associates, Fairfield, CT, was present.* He reviewed his October 2012 traffic report, noting the analysis location points, intersections, peak hours, speed, volumes and trip analysis. The study also provides an analysis of before and after development conditions. Mr. Galante advised that there will not be any change to traffic signal timing or the addition of lanes.

Commissioner Frankel inquired if the applicant has obtained Department of Transportation approval, and was advised by Mr. Galante that only an encroachment permit is needed. Mr. Lillis added that the plans have been sent to the DOT so it may begin its review. Mr. Galante advised that approval is not required by the State Traffic Commission because the development contains less than 100 units. Commissioner Miller inquired if southbound traffic can make a left turn, and was advised by Mr. Galante that it can. Upon inquiry from Commissioner Frankel, Mr. Galante stated that the road cuts are in a new location. Mr. Lillis added that the proposal is required to have two access points. Mr. Galante also reviewed the sight line distance for Commissioner Frankel, which meets the requirements. The steepness of the eastern side of the property was noted by Commissioner Miller.

*Ms. A. Adams, Registered Landscape Architect, CCA, was present.* She reviewed the buffer area proposed for the residential area to the north and the buildings, and proposed pool and clubhouse. Ms. Adams discussed the details of the trees, foundation planting, and the courtyard area delineation with ornamental shrubs. She also went over the lighting plan of 20' mounted fixtures in the parking lot, and 14' streetlights along Federal Road.

*M. Newell Juan, Seventy2 Architects, 248 Main St., Danbury, CT, was present.* She reviewed three dimensional renderings of the buildings, noting a stone veneer of first floor, and a vertical chimney with differentiation in siding material. Ms. Newell Juan noted that the building closest to Federal Road will be smaller. The other two buildings will be four stories and will be set back. A sample of the building material will be provided for the Commission.

Chairman Blessey advised that the public hearing would have to be left open due to outstanding IWC and Water Source Committee review, and continuation of the Town Center District regulations discussion. There was discussion regarding the need for an economic feasibility review and a staff review.

Members of the audience had the following questions of clarification:

*Mr. B. Brown, 253 Whisconier Road, was present, and inquired if there were elevators in the buildings. Ms. Newell Juan indicated that each building would have one elevator per building and would be compliant with Americans with Disabilities Act regulations.*

*J. Salame, 148 Whisconier Rd., was present, and inquired if there were any preliminary plans for historical property on the site. Attorney Scalzo replied that there are plans but the applicant’s representatives are not prepared to discuss them at this time. Ms. Salame advised she would write a letter with the details of her concerns about this structure and submit it for the record. She noted that it is on the State Register of historical properties, was built by students of Henry Abbott Technical School in the early 1930’s, and owned by a well-known family. Mr. Brown added it would be favorable to preserve this structure for the “continuity of the history of Brookfield”. Attorney Scalzo assured Mr. Brown and Ms. Salame that the applicant’s team would discuss this matter.*

*No one was present to speak in favor of this application, nor was anyone present to speak in opposition.*

**Commissioner Miller moved to continue the Public Hearing for 857-857A Federal Road (Riverview Luxury Apartments) #201200887: Design Review for three 9,200 sq. ft. Incentive Housing Apartment Development to the next regularly scheduled meeting on November 29, 2012, with the following understandings, that: 1) since the Zoning Commission just received the staff review that it be afforded the time to look at that; and 2) three items of authorization for the Chairman as he sees fit: a) to look at the economic feasibility of the project; b) an architectural review; and c) compliance with future Town Center development plans; and, for the applicant, 3) that it discuss with the developer the consideration of the historical structure on the site. Commissioner Frankel seconded the motion, and it carried unanimously.**

**5. Continued Public Hearing: None**

**6. Old Business:**

**a. 40 & 64 Laurel Hill Road (The Residences at Laurel Hill) #201200588: Design Review for a proposed Incentive Housing Project (dec date 1/12/13) – No discussion/no motions.**

**c. 20 Vale Road #201200935: Design Review for a proposed 30,000 sq. ft. office building (Public Hearing scheduled for 12/13/12) – No discussion/no motions.**

**8. Tabled Items: None.**

**9. Informal Discussion:** Chairman Blessey advised that BJ’s has inquired if they are able to sell cars in the manner that Costco does, however, no one was present from BJ’s to discuss this. He requested that ZEO Dew advise BJ’s representatives that it is a permitted use in the zone.

Chairman Blessey also requested that ZEO Dew check the sign for BJ’s that is located on Candlewood Lake Road.

**10. Comments of Commissioners:** Commissioner Varda requested that the Historical Commission provide a list of historical properties in the Town Center District. Ms. Salame advised that such a list has been attempted in the past. Commissioner Frankel inquired if archeological surveys

have ever been requested, and suggested that it be part of the Town Center regulations. There was discussion regarding the possibility it may have been done in the past, perhaps when the pipeline and/or Route 7 bypass were constructed. Chairman Blessey noted that it is important to protect individual property owners' rights as to what is done on their property. He agreed it would be a good idea for the Historical Commission to do an inventory of historical properties in the Town Center District.

Chairman Blessey also suggested that the Commission begin holding special meetings to discuss regulations for the District.

There was additional brief discussion regarding the importance of having economic feasibility studies done for larger developments.

**11. Adjourn:**

**Commissioner Frankel moved to adjourn the meeting at 8:31 p.m. Commissioner Varda seconded the motion, and it carried unanimously.**

**\*\*Next Regular Meeting Scheduled for November 29, 2012\*\***